

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MARGUERITE HOFFMAN,

Plaintiff,

v.

L&M ARTS, DAVID MARTINEZ and
STUDIO CAPITAL, INC.,

Defendants.

§
§
§
§
§
§
§
§
§

NO. 3:10-cv-953

JOINT STATUS REPORT

Pursuant to the Court's November 1, 2011 Amended Scheduling Order, the parties hereby submit the following joint estimate of trial length and status report.

Estimate of Trial Length:

Plaintiff estimates that the trial will take two weeks. Defendants estimate that it will take one week.

Status Report:

1. Discovery.

The parties have completed discovery with the following exceptions:

- a. The 30(b)(6) depositions of Defendants Studio Capital, Inc. and L&M Arts have not been taken because those parties filed motions for protective order which have not yet been resolved by the Magistrate (see Dkt. Nos. 221 and 230). The deposition of Studio Capital's managing agent, Nathalie Sutter has not been taken because Studio Capital refused to produce her. A motion to compel has been filed by Plaintiffs (see Dkt No. 231).

b. Various document discovery disputes have been submitted to the Magistrate, but remain unresolved. Once those motions are resolved additional fact discovery may be necessary.

c. Because of scheduling difficulties in May, the parties have agreed that the depositions of the three expert witnesses will occur in June.

2. Pleading.

As previously disclosed, Plaintiff intends to seek leave to file a third amended complaint updating the Plaintiff's allegations to reflect the results of fact discovery. A draft will be circulated to the Defendants this week and shortly thereafter to the Court either as an agreed or opposed amendment. Plaintiff does not anticipate that any additional discovery will be needed as a result of the amended complaint. Defendants' position is that Plaintiff may not file a further amended complaint because the deadline for moving to amend pleadings was October 1, 2011, and in any event Defendants contend it is inappropriate for Plaintiff to file an amended complaint after the close of discovery.

3. Settlement.

Regarding settlement, Plaintiff has proposed to the Defendants that the parties attempt to resolve Plaintiff's claims through mediation. More specifically, Plaintiff has proposed that the parties exchange the names of local mediators acceptable to them as a first step toward selecting a local mediator. Defendants have this proposal under consideration. If the parties are unable to agree on a local mediator, the Court's assistance may be needed.

Respectfully submitted,

SHACKELFORD, MELTON & McKINLEY LLP

By: /s/Bart Wulff
Bart Wulff
State Bar No. 22086100
3333 Lee Parkway, Tenth Floor
Dallas, TX 75219
BWULFF@shacklaw.net
Tel: (214) 780-1400
Fax: (214) 780-1401

WILLKIE FARR & GALLAGHER LLP
Roger Netzer
Mary Eaton
787 Seventh Avenue
New York, NY 10019-6099
rnetzer@willkie.com
Tel: (212) 728-8000
Fax: (212) 728-8111

Attorneys for Plaintiff

CERTIFICATE OF CONFERENCE

A draft of this Joint Status Report was submitted to Defendants for review. Defendants provided requested changes which were incorporated into this version and resubmitted to Defendants for review on May 30, 2012. No further objections or comments were received from any Defendant.

/s/Bart Wulff
Bart Wulff

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing is being served electronically via ECF on all counsel of record on the 30th day of May 2012.

/s/Bart Wulff
Bart Wulff